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PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO TRADEMARK OFFICE
Rev. 10/95

U.S. Department of Commerce
Patent and Trademark Office

Application Number

09/853,556

Filing Date

May 11, 2001

First Named Inventor

Laurence J. Newell

Group Art Unit Number

2633

Examiner Name

Agustin Bello

Total Number of Pages in This Submission

16

Attorney Docket Number

20852-05134

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ENCLOSURES (check all that apply)

- Fee Transmittal Form (in duplicate)
 - Check Enclosed
- Return Receipt Postcard
- Response to Notice to File Missing Parts
- Assignment & Recordation Cover Sheet
- Declaration
- Power of Attorney
- Application Data Sheet
- Information Disclosure Statement & PTO/SB/08A
 - Copies of IDS Cited References
- Request for Corrected Filing Receipt
- Request for Correction of Recorded Assignment
- Amendment/Response: 13 Page(s)
 - After Final
- Status Request
- Revocation and Substitute Power of Attorney

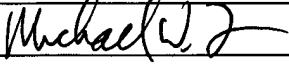
- Issue Fee Transmittal
- Letter to Chief Draftsperson
- Formal Drawing(s):
 - [] Sheet(s) of Figure(s) []
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Certified Copy of Priority Document(s)
- After Allowance Communication to Group
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APR 09 2004

Technology Center 2600

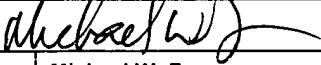
REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

| | | | |
|--------------------|---|--------|---------------|
| Signature: |  | Dated: | April 1, 2004 |
| Attorney/Reg. No.: | Michael W. Farn, Reg. No. 41,015 | Dated: | April 1, 2004 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

| | | | |
|---|---|--------|---------------|
| Signature: |  | Dated: | April 1, 2004 |
| Typed or Printed Name: | Michael W. Farn | Dated: | April 1, 2004 |
| Express Mail Mailing Number (optional): | | | |



FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 475)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 09/853,556 |
| Filing Date | May 11, 2001 |
| First Named Inventor | Laurence J. Newell |
| Examiner Name | Agustin Bello |

Art Unit 2633

Attorney Docket No. 20852-05134

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APR 09 2004

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION (continued) Technology Center 2600

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|----------------------------|---------------|--|------------------------------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(g) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | |
| SUBTOTAL (2) (\$ 0) | | | SUBTOTAL (3) (\$ 475) |

*or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

| | | | | |
|-------------------|-----------------|--------------------------------------|---------------|--------------------------|
| Name (Print/Type) | Michael W. Farn | Registration No. (Attorney/Agent) | 41,015 | Telephone (650) 335-7823 |
| Signature | | Date | April 1, 2004 | |



11/14/04
4/14/04
11/14/04

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Laurence J. Newell, David A. Pechner, Augustus Elmer and David B. Upham

SERIAL NO.: 09/853,556

FILING DATE: May 11, 2001

TITLE: Control channel for an optical communications system utilizing frequency division multiplexing

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EXAMINER: Agustin Bello

APR 09 2004

GROUP ART UNIT: 2633

Technology Center 2600

ATTY. DKT. NO.: 20852-05134

CERTIFICATE OF MAILING

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Dated: APRIL 1, 2004

By: Michael W. Farn

Michael W. Farn, Reg. No. 41,015

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT A

Dear Examiner:

This amendment is in response to the Office Action mailed October 1, 2003 (Paper No. 8), which established a shortened statutory period for response that expired on January 1, 2004. A fee for a three-month extension of time is included herewith.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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